

### **III. REMARKS**

#### **A. General Remarks**

Claims 2-7 and 9-21 are pending in the application.

#### **B. Allowable Subject Matter**

Claims 15-18 are allowed.

#### **C. Section 101 Claim Rejections**

In paragraph 4 of the Office Action, claims 2-7, 9-14, and 19-21 are rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In response, Assignee has amended claims 3, 5-6, 10, 12-13, and 19-20 as follows:

- Claim 3 has been amended to recite “updating the computer system responsive to at least the first set of update information received.”
- Claim 5 has been amended to recite “updating the first set of information on the computer system by modifying the first set of information responsive to at least the first set of update information received in the first request.”
- Claim 10 has been amended to recite “computer readable program code devices configured to cause a computer to update the computer system responsive to at least the first set of update information received.”
- Claim 12 has been amended to recite “computer readable program code devices configured to cause a computer to update the first set of information on the computer system by modify the first set of information at least responsive to the first set of update information received in the first request”
- Claim 19 has been amended to recite that “the installer/deleter for providing at least one command at an output, the at least one command modifying the first set of information to update the first set of information on the computer system at least responsive to the first set of update information received in the first request at the installer/deleter input.”
- Claims 6, 13, and 20 have been amended for proper antecedent basis.

Each of these amendments clarifies that the computer system is updated, thereby making the claimed subject matter tangibly embodied. The updating of the computer system was already implicitly recited in the claims before amendment, and these amendments have merely made this more explicit. Accordingly, the amendments do not narrow the claims. Being tangibly embodied, claims 2-7, 9-14, and 19-21 are directed to statutory subject matter, and Assignee respectfully requests allowance of these claims in the next paper from the Office.

#### **D. Section 112 Rejections**

In paragraph 6 of the Office Action, claims 2-7, 9-14, and 19-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

##### **1. Claims 2-4 and 9-11**

With respect to claims 2-4 and 9-11, the Examiner states that “the claim is vague as to an ‘update of the computer system’ responsive to one selected from *the second set of update information requested*...Note the claim only references a difference in times for the first set of update and the third set of update.” *See* Office Action at ¶ 6.

In response, Assignee has amended claims 3 and 10 as follows:

- Claim 3 has been amended to recite “updating the computer system responsive to ~~one selected from:~~ at least the first set of update information received; ~~or the first set of update information received and the second set of update information requested;~~.”
- Claim 10 has been amended to recite computer readable program code devices configured to cause a computer to update the computer system responsive to ~~one selected from:~~ at least the first set of update information received; ~~or the first set of update information received and the second set of update information requested;~~.”

These amendments simply cancel the rejected phrasing. These amendments do not narrow the claims and simply revert the phrasing to what was originally recited in originally filed independent claims 1 and 8, from which originally dependent claims 3 and 10 have been respectively rewritten in independent form. For at least these reasons, claims 2-4 and 9-11 are

considered to be definite, and Assignee respectfully requests allowance of these claims in the next paper from the Office.

## **2. Claims 5-7, 12-14, and 9-11**

With respect to claims 5-7, 12-14, and 19-21, the Examiner states that “the limitation ‘wherein requesting the second set of update information for the first set of information is performed before any update information for the second set of information is requested following the first event’ is vague.” *See* Office Action at ¶ 6.

In response, Assignee has amended claims 5, 12, and 19 as follows:

- Claim 5 has been amended to recite “requesting, at least after the occurrence of the first event, a third set of update information for the second set of information in a third request, wherein the second request is made before the third request is made.”
- Claim 12 has been amended to recite “computer readable program code devices configured to cause a computer to request, at least after the occurrence of the first event, a third set of update information for the second set of information in a third request, wherein the second request is made before the third request is made.”
- Claim 19 has been amended to recite “providing at the output, at least after the first event, a third request for a third set of update information for the second set of information, wherein the second request is made before the third request is made.”

In the claims, the second request is made for a second set of update information for the first set of information as opposed to a second set of information. In addition, the second request is made on occurrence of a second event that follows the first event. A third request is made, at least after the first event, for a third set of update information for the second set of information as opposed to the first set of information that was the subject of the first and second requests.

These amendments indicate that the second request is made before the third request is made. These amendments to claims 5, 12, and 19 explicitly recite the limitations related to requesting update information for the second set of information that were already implicitly recited in the claims. Accordingly, these amendments are cosmetic in nature and do not narrow the scope of

these claims. Dependent claims 6, 13, and 20 have been amended for proper antecedent basis. Based on these amendments, claims 5-7, 12-14, and 19-21 are considered to be definite, and Assignee respectfully requests allowance of these claims in the next paper from the Office.

**F. Conclusion**

Reconsideration of the claims in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

06 September 2006  
Date

/Sean McDermott/  
Sean McDermott  
Reg. No. 49,000

Wong, Cabello, Lutsch,  
Rutherford & Brucculeri, L.L.P.  
20333 SH 249, Ste 600  
Houston, TX 77070  
832/446-2416  
832/446-2424 (facsimile)